# Updates

For New Jersey Public Employers

New Jersey Division of Pensions and Benefits

Spring 2004

## **Loan Regulations**

ew Internal Revenue Service (IRS) regulations, effective January 1, 2004, required the Division of Pensions and Benefits to change its pension loan repayment policies. If a member takes a loan after January 1, 2004, the member must repay that loan and any previous outstanding balance within a five-year period. If the member takes a second loan after January 2004 and the original loan balance is not completely paid off, the repayment period will remain five years from the date of issue of the first loan taken after January 1, 2004. Failure to repay the loan within the five-year period will result in the unpaid balance being declared a taxable distribution.

These new regulations may result in either a substantial increase in a member's repayment amount or may even limit the amount that a member can borrow if the payroll deductions to repay the loan were to exceed the 25 percent of salary restriction mandated by State law. Here are some examples that illustrate the new policy:

#### Inside

From the Director 2
Legislation Update 3
Volunteer Emergency-Worker's Survivors Pension 4
ERI Reminder 4
Prosecutor Issues/ Deductions 4
Chapter 172 — Purchase of SHBP Benefits by Part-Time Employees
Secure File Transfer (SFT) Offers A Time-Saving Solution
Seminars for Employers 6
Repeal of TPAF Interim Rule 7
Chapter 246, P.L. 2003  — the Domestic  Partnership Act
New/Revised Publications 8

1) A member has an existing pension loan with a balance of \$8,500 and borrows \$15,000 in February 2004. The combined loan of \$23,500 must be repaid by January 2009, resulting in monthly payments of \$500 over a five-year period. There is no change from current practices with this loan. However, this member takes another loan of \$10,000 in January 2006 with \$12,000 remaining on the unpaid balance of the first loan he had taken in 2004. The \$22,000 combined balance of the two loans will have to be repaid by January 2009, the end date of the first loan taken after January 1, 2004. The new repayment schedule will require deductions of

(Continued on page 2)

## TPAF and State-employed PERS Contribution Rates Increase

ffective <u>January</u> 1, 2004, the pension contribution rate for members of the Teachers' Pension and Annuity Fund (TPAF) returned to five percent.

Effective <u>July</u> 1, 2004, the pension contribution rate for <u>State</u> employees in the Public Employees' Retirement System (PERS) will return to five percent.

Reductions in these two contribution rates during 2002 and 2003 were temporary reductions that were implemented due to the existence of surplus assets in the pension funds for those years.

Be certain to take the appropriate deductions according to these new rates, as indicated in the applicable payroll certifications.

The pension contribution rates for the <u>local members</u> of the PERS (3 percent), the PERS Prosecutors Part (7.5 percent), Workers' Compensation Judges Part (5 percent), and for State Legislators (5 percent) will remain unchanged for 2004.

## A Message from the Director

e at the Division of Pensions and Benefits pride ourselves on our commitment to delivering the best service possible to our members, from enrollment through retirement. While we strive to treat every member's account with the greatest care, we rely on you, the employer, for much of our information, and our members rely on you as well. Every enrollment form submitted, pension deduction taken, or other administrative duty requires your accuracy, consistency, and thoroughness, to ensure that your employees can concentrate on their workplace responsibilities knowing their health benefits and future retirement are properly maintained.

As policies and regulations change and evolve in response to the times, changes are required to many of our operations. A new pension loan policy based on IRS regulations has been issued. Members who take a loan after January 1, 2004 must now pay the balance of that loan and any previous outstanding balances in full within five years. The regulations require total loan balances to be considered as a single unit for repayment purposes, even if multiple loans contribute to this total balance. This is distinctly different from the previous method of handling loan balances, and it will take time for your employees to become accustomed to viewing loan balances in this new manner. Be sure to review the front-page article regarding loans, and its three examples, so that you can explain the new policy to employees who are concerned about any resulting increases in their repayment amounts.

In another major change, the employee contribution rates for State employees who are members of the Public Employees' Retirement System and all members of the Teachers' Pension and Annuity Fund are returning to the full amount of five percent for the first time since 1998. Again, you may need to be prepared to explain the increase in paycheck deductions to concerned employees.

While policy changes are inevitable, effectively communicating these changes to you will remain our commitment. We appreciate the care and skill that you bring to your responsibilities, and we are eager to help you in helping our members navigate their benefits throughout their careers.

Frederick J. Beaver, Director Division of Pensions and Benefits

#### **LOAN REGULATIONS** (Continued from page 1)

\$595 per month over the remaining three years of the original five-year loan repayment period. If the \$595 per month were greater than 25 percent of the member's pay, the amount borrowed in January 2006 will have to be reduced to keep the repayment below 25 percent of pay.

- 2) A member takes a pension loan for \$3,000 in January 2004 and has a minimum payment of \$100 per month so that the loan is repaid in June 2006 (well within the five-year window of January 2009). If the member then takes another \$3,000 loan in October 2006, since the first loan has been repaid, a new five-year window begins giving the member until October 2011 for repayment. This member would not see anything different in the way the loans are administered.
- 3) A member takes a loan for \$3,000 in January 2004 and also has an outstanding loan balance of \$3,000. A minimum payment of \$100 is calculated on the combined \$6,000 balance so that the loan and interest is repaid in

January 2009 (the allowable five-year window). If the member then takes another \$3,000 loan in January 2005 the member is locked into the five-year window of the first loan because the 2004 loan is still outstanding. Therefore, the combined balance of \$7,800 (\$6,000 original balance minus \$1,200 paid in 2004 plus \$3,000 new loan = \$7,800) would require a monthly payment of \$162.50 to pay off the loan before January 2009. **This** member sees a significant increase in the loan repayment amount beginning with the second loan (under the 2003 rules the payment would have only been \$130). The difference becomes even more apparent if the member borrows \$3,000 again in January 2006. Now the combined balance of \$8,850 (\$7,800 - \$1,950 + \$3,000 = \$8,850) requires a monthly payment of \$245.83 to be repaid in full by January 2009.

The *Loan Application* packet has been revised to include a discussion of the five-year rule, and explanations are available to all members by means of a payroll message and our Web site at:

www.state.nj.us/treasury/pensions/loan\_poster\_2004.pdf



**All Funds** 

**PERS** 

TPAF & PERS

PFRS & SPRS

**SHBP** 

### **Legislation Update**

Since the last issue of *Updates*, the following new legislation was signed into law by Governor McGreevey.

Chapter 197, P.L. 2003 — Extends eligibility for certain veterans' benefits to veterans of Operations "Enduring Freedom" and "Iraqi Freedom" who served at least 14 days in the theater of operation of those campaigns and in direct support thereof.

- Operation "Enduring Freedom" refers collectively to operations conducted abroad since September 11, 2001, in prosecution of the war against terror, including but not limited to operations conducted in Afghanistan.
- Operation "Iraqi Freedom" refers to operations in and around Iraq beginning March 19, 2003 and still ongoing.

Chapter 246, P.L. 2003 — Recognizes and supports adult individuals in New Jersey who wish to establish a domestic partnership. This law becomes effective July 10, 2004 and provides that two persons who desire to become domestic partners may execute and file an *Affidavit of Domestic Partnership* with the local registrar provided they meet the requirements and provisions of the law. This law also makes certain benefits available to dependent domestic partners in the case in which both persons are of the same sex and therefore unable to enter into a marriage with each other that is recognized by New Jersey law. Please see the article pertaining to Chapter 246 on page 7.

Chapter 263, P.L. 2003 — Provides for enrollment in the New Jersey Public Employees' Retirement System (PERS) of eligible employees of any bi-state or multi-state agency in which New Jersey is a participant.

The PERS statutes currently provide for enrollment in the system of employees of various specified independent agencies and instrumentalities, including several interstate agencies (e.g., the Palisades Interstate Park and Delaware River Basin commissions). This law establishes an enrollment provision covering employees of all interstate agencies and prescribes the terms and conditions applicable to coverage of new enrollees under that provision.

Under this law, the PERS is directed to enroll an eligible officer or employee (other than a police officer or firefighter) of a bi-state or multi-state agency established by an interstate compact to which New Jersey is a party if:

- 1. The person is a State resident at the time of appointment with the agency, and;
- 2. The governing body of the agency has certified to the retirement system its approval for enrollment in the system of the employee class within which the person is included.

The certification could apply retroactively to individuals commencing service with the agency on or after January 1, 2002.

Chapter 155, P.L. 2003 — Authorizes boards of education to establish tax-sheltered deferred compensation plans under Section 457 of the federal Internal Revenue Code.

Chapter 181, P.L. 2003 — Provides that the eligibility of a surviving spouse to receive an Accidental Death benefit under the Police and Firemen's Retirement System (PFRS) or the State Police Retirement System (SPRS) shall not terminate upon remarriage.

Chapter 172, P.L. 2003 — Provides that a part-time State employee or a part-time faculty member at a public institution of higher education that participates in the State Health Benefits Program (SHBP), who is enrolled in a State-administered retirement system, will be entitled to participate in the SHBP and may purchase health benefits coverage in the State managed care plan (NJ PLUS) under the SHBP. See the article on page 5.

## Volunteer Emergency-Worker's Survivors Pension

n January 9, 2003, Governor James E. McGreevey signed into law Chapter 134, P.L. 2002, creating the Volunteer Emergency-Worker's Survivors Pension (VESP). This provides for a pension to the survivors of a volunteer municipal emergency services worker, when the volunteer worker dies in the performance of the volunteer duties. Survivors who are eligible must be identified by the municipality, which must adopt a resolution naming the worker and submit it to the Division of Pensions and Benefits. A separate resolution must be adopted and submitted for each eligible deceased emergency worker. The law became effective January 1, 2004 but is retroactive to deaths occurring on or after January 1, 2000.

The VESP benefit ensures that New Jersey's emergency services volunteers — who because they are volunteers (in their emergency services capacities) and thus are not eligible for membership in any of the State-administered pension systems — can provide some assistance towards financial security for their eligible survivors should they die in the performance of their emergency volunteers duties. Chapter 134 also applies to volunteers who die while traveling to or from the scene where their volunteer services were to be rendered.

The pension benefit for a surviving spouse is \$15,000 per year. If a surviving spouse remarries, that benefit ends but a children's benefit of \$10,000 per year divided evenly among the number of children will begin. For dependent children, when there is no surviving spouse, the pension benefit is \$15,000 per year to be divided evenly among the number of children. The benefit for surviving parents, if there are no surviving children or spouse, is a total of \$5,000 per year. These benefits are not subject to New Jersey State income tax.

A Certifying Officer letter dated May 2003 explains the VESP benefit, and included a copy of the application for the survivor benefits.

Because Chapter 134 applies specifically to volunteers, these workers are not members of a State-administered pension system (at least not in their voluntary capacity), thus they are ineligible for other pension related death benefits. Likewise, members of the retirement systems are not eligible for the VESP benefits.

Chapter 134 is discussed in this edition of *Updates* in the hope of communicating its existence to as many people as possible, so that volunteers, and their municipalities, will be aware of it should it ever be needed.

### **ERI Reminder**

mployers considering participation in the Early Retirement Incentive (ERI) for local employers; Chapters 127, 128, 129, and 130, P.L. 2003, must formally adopt the ERI by a resolution of its governing body before July 15, 2004. (The date by which the resolution must be passed depends on which one of the four laws applies to a particular employer.) The employer must also provide the Division of Pensions and Benefits with a certified copy of its resolution within three business days of adoption.

Participation in the ERI program by any employer is voluntary. Employers considering participation must carefully evaluate the financial impact that would result. While an ERI saves participating employers money in the short term due to the reduction in salaries, it costs more in enhanced benefits that must be paid. For more information about the ERI, see the Division's Web site at: www.state.nj.us/treasury/pensions

## Prosecutor Issues/Deductions

he Board of Trustees of the PERS recently posted for comment, new rules covering the Prosecutors Part of the PERS. Among new matters that have been included:

- A prosecutor can combine Prosecutor service and regular PERS service to qualify for a Veteran Retirement or a Disability Retirement. Service also can be combined for purposes of vesting in the PERS.
- Any service before January 7, 2002 that is requested and purchased after January 7, 2002 will be credited as regular PERS service. This includes purchases of service in a prosecutor position.
- Prosecutors Part service earned on or after January 7, 2002 that is then withdrawn may later be purchased as Prosecutors Part service. Purchase rates specific to the Prosecutors Part will be available in the future.
- All non-Prosecutor service that is earned on or after January 7, 2002 and then withdrawn, may later be purchased only as regular PERS service.
- ◆ It is not possible to "upgrade" regular PERS service to Prosecutors Part service.
- Prosecutors Part service and regular PERS service

  (Continued on page 7)

# Chapter 172 — Purchase of SHBP Benefits by Part-Time Employees

new law, Chapter 172, P.L. 2003, permits part-time New Jersey State employees and part-time faculty at an institution of higher education that participates in the State Health Benefits Program (SHBP), who are enrolled in a State-administered retirement system, to purchase SHBP health coverage for themselves and for their dependents. The employees pay the full cost of their coverage including administration fees.

The definition of a part-time employee of the State includes those paid through Centralized Payroll and employees of State colleges and universities, the Palisades Interstate Parkway Commission, the New Jersey Building Authority, the State Library, and the Commerce and Economic Growth Commission.

An eligible part-time employee of the State or part-time faculty member at an institution of higher education are limited to enrollment in the NJ PLUS plan and the Employee Prescription Drug Plan. They may also choose only NJ PLUS without prescription coverage — but they cannot choose only prescription coverage. Chapter 172-eligible employees must complete a special enrollment application that is different than the standard SHBP enrollment application.

Initial coverage for all eligible part-time employees and faculty will begin on March 1, 2004. After this initial enrollment period, coverage will start in accordance with standard SHBP waiting period rules for State monthly employees. All payments will be through direct billings to the employees, and thus all coverage under Chapter 172 will be on a monthly, not a pay period, basis.

Coverage for 10-month employees hired at the beginning of the fall semester will be effective on September 1. If the 10-month employee works the full ten months, coverage will be extended through July and August. Coverage for all 12-month employees and for 10-month employees hired at any other time of the year will start after a 60-day waiting period.

Part-time employees who do not enroll when first eligible can then enroll only during the regular, annual, open enrollment period.

A Certifying Officer letter dated December 2003 addresses Chapter 172 in greater detail. In addition, a new Fact Sheet #66, *SHBP Coverage for State Part-Time Employees*, is available. Both can be viewed on the Division of Pensions and Benefits' Web site: www.state.nj.us/treasury/pensions

# Secure File Transfer (SFT) Offers A Time Saving Solution

ecure File Transfer (SFT) is an Internet-based application for transmitting information through the *myNewJersey* Web site. Many employers already use SFT to transmit and receive State documents and information. Did you know that it also can be used to make your interactions with the Division of Pensions and Benefits quick and convenient?

Using SFT, you can transmit a "Report of Salary Change" for the Quarterly Report of Contributions (ROC) before it is printed. If done before mid-quarter, this can save you a great deal of time and effort when you complete the ROC each quarter because anticipated changes are already printed.

The content of a Report of Salary Change needs to include the following information:

- Employer Name
- Employer's Pension Fund Location Number (a separate report for each fund)
- Quarter in which changes will become effective
- ◆ Employee's Name
- ♦ Employee's Pension Membership Number
- New Quarterly Base Salary

That's it. You can choose to send the report as an Excel spreadsheet or format the report as an ASCII text file. You indicate which format works best for you when you register for SFT.

To register, you may contact the Employer Education Unit at (609) 777-2111, or (609) 777-2112, or send e-mail to:

hank.schwedes@treas.state.nj.us.

You can also fax a request to: Supervisor, Employer Education Unit at (609) 777-1779.

The process of registering for SFT takes only a few minutes yet can save you hours of work each quarter. he Division of Pensions and Benefits provides two different employer education seminars at regional locations in Randolph, Trenton, Sewell, Lyndhurst, and Mays Landing. Each seminar is a full day program. Participants who wish to attend both programs must register for each one separately.

Upcoming seminars are listed by topic, location, date, and seminar ID number. Early registration is advised as seating is limited. State agencies with electronic access MUST register attendees through the STADIS system. Other employers should submit the seminar registration form to the Benefits Education Unit, Division of Pensions and Benefits, PO Box 295, Trenton, NJ 08625-0295 or fax forms to (609) 292-9500.

## **Employer Education Programs Through December 2004**

#### "Pension Processing and Employer Responsibilities"

This full day seminar is offered to assist employers of Public Employees' Retirement System (PERS), Teachers' Pension and Annuity Fund (TPAF) and Police and Firemen's Retirement System (PFRS) members in understanding the entire retirement process as it applies to them and their employees.

#### **Trenton**

10:00 a.m. to 3:30 p.m.

May 14 . . . . . GG983.242904 June 10 . . . . . GG983.242905

August 19 . . . . GG983.250009 October 8 . . . . GG983.250010

December 9 . . . GG983.250011

#### Sewell

10:00 a.m. to 3:30 p.m.

April 1...... GG983.242496 September 10 . GG983.250001

November 23. . GG983.250002

#### Randolph

10:00 a.m. to 3:30 p.m.

May 14 ......GG983.232901 August 19 ......GG983.250007

November 9......GG983.250008

#### **Mays Landing**

#### Lyndhurst

10:00 a.m. to 3:30 p.m. October 1..... GG983.250005

#### "Completing the Quarterly Report of Contributions"

This full day seminar is offered by the Division of Pensions and Benefits to assist participating employers of Public Employees' Retirement System (PERS), Teachers' Pension and Annuity Fund (TPAF), and Police and Firemen's Retirement System (PFRS) members in completion of the Quarterly Report of Contributions. Also included will be "Enrollments Basics" and forms completion.

County College of Morris 214 Center Grove Road Randolph, NJ

NJ Division of Pensions and Benefits 50 West State Street **Trenton**, NJ

Gloucester County Southern Regional Training Center 1492 Tanyard Road Sewell, NJ



Atlantic Cape Community College 5100 Black Horse Pike **Mays Landing**, NJ

\*This schedule and registration form, along with the schedule of seminars that we offer to your employees, is available in the "Resources" section of the Division of Pensions and Benefits' Internet site at: www.state.ni.us/treasury/pensions

#### Trenton

#### Randolph

10:00 a.m. to 3:30 p.m.

#### Sewell

#### **Mays Landing**

#### Lyndhurst

10:00 a.m. to 3:30 p.m. October 6......GG.982.250006

### Repeal of TPAF Interim Rule

t its October 2003 meeting, the Board of Trustees of the Teachers' Pension and Annuity Fund (TPAF) repealed rule N.J.A.C. 17:3-2.6 regarding interim appointments to boards of education. The rule had formerly permitted a school board to appoint a retired TPAF member to any TPAF covered position on an interim basis of up to six months without suspending the retirement benefit.

Effective November 3, 2003 any retired TPAF member (with the exception given below) who is currently employed or who accepts employment in a position covered by the fund, must be re-enrolled in the TPAF. The member's retirement allowance will be suspended, as will any other benefits associated with the retirement.

#### **Exceptions Under Chapter 355**

An exception pertains to employees who are covered under the provisions of Chapter 355, P.L. 2001/N.J.S.A. 18:66-53.2. This applies to <u>certificated</u> administrators and superintendents. These retirees were exempt from reenrollment previously, and remain exempt despite the board's repeal of the general re-enrollment exemption. A certificated superintendent or administrator retiree who is

employed by a board of education will be able to renew the employment contract for one additional year; however, the retiree's total period of employment with any individual board of education may not exceed a two-year period.

Positions requiring certificated administrators include that of superintendent, assistant superintendent, executive superintendent, principal, assistant principal, vice-principal, director, supervisor, and school business administrator. The New Jersey Department of Education (NJDOE) maintains a comprehensive list of certificated position titles, and can be contacted at (609) 292-4469.

A certificated superintendent or administrator who becomes employed by the NJDOE in a position of critical need as determined by the Commissioner of Education is also exempt from re-enrollment.

Chapter 355 also provides that the current pension reenrollment provisions will still apply if a retiree accepts employment within 120 days of retirement with the same employer from which the retiree retired. It should also be noted that the exemption provided by Chapter 355 does not apply to disability retirees.

## Chapter 246, P.L. 2003 — Domestic Partnership Act

hapter 246, P.L. 2003, the Domestic Partnership Act, which is effective on July 10, 2004 establishes the rights and responsibilities of domestic partners in the State of New Jersey. Chapter 246 also extends certain health and pension benefits to same-sex, domestic partners of employees of the State. The law allows local governmental entities to extend these same benefits to domestic partners of their employees by resolution of their governing body.

The Division is analyzing the new law to determine how best to implement it. While we are not yet ready to issue any specific instructions, here is some preliminary information on the law:

- Domestic Partners of employees of local public employers will receive no pension or health benefits under this law unless and until the employee's governing body decides, by resolution, to provide those benefits;
- ◆ The Division of Pensions and Benefits will issue information on the potential cost of providing pension benefits to domestic partners prior to the effective date of the law;
- Since the federal government does not recognize the dependent status of domestic partners in the same manner as spouses, the cost of the health benefits provided to a domestic partner will be a taxable benefit to the employee; and
- Opposite-sex domestic partners do not receive any health or pension benefits under this law.

Look for more information about this law on the Division's Web site in late May or early June.

#### Prosecutor Issues/Deductions (Continued from page 4)

can be combined to total 25 or more years to qualify for employer-paid retired health benefits coverage, even if the member is not eligible to collect a retirement benefit based upon the regular PERS service.

Fact Sheet #62, *PERS Prosecutors Part*, explains in detail many aspects of the Prosecutors Part and how Prosecutors Part service is credited. The fact sheet can be viewed on the Division of Pensions and Benefits' Web site at: <a href="https://www.state.nj.us/treasury/pensions">www.state.nj.us/treasury/pensions</a>

## **Updates**

Spring 2004 Vol.IX Issue 1

Updates is published semiannually by the Division of Pensions and Benefits and is designed to keep employers informed about issues regarding the administration of the pension programs. newsletter will address legislative changes and include articles designed to clear up pension issues and concerns.

The selections in this publication are for informational purposes only and while every attempt at accuracy is made, it cannot be guaranteed. If there are discrepancies between the information presented here and the law, regulations, or contracts, the latter will govern. If you have questions or concerns or would like a particular issue addressed, contact the Updates Editor, Division of Pensions and Benefits, PO Box 295, Trenton, NJ 08625-0295.

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#### **New/Revised Publications**

The following publications are new or have been revised since the last issue of *Updates*. Fact sheets and Certifying Officer Letters can be viewed on the Division's Internet site at: www.state.nj.us/treasury/pensions The new forms can be found at in the Forms Index of the online Employer Pensions and Benefits Manual at:

www.state.nj.us/treasury/pensions/epbam/index.htm These publications can be ordered in bulk by calling (609) 777-4357.

#### **New or Revised Fact Sheets**

#23	The Traditional Plan and Medicare Parts A & B (All Funds)	January 2004	
#28	Employment After Retirement (TPAF)	November 2003	
#37	State Employee Group Dental Program (State Employees)	October 2003	
#40	Death Benefits (SPRS)	June 2003	
#44	Tax\$ave (State Employees and State		
	College/University Employees)	January 2004	
#62	Prosecutors' Part (PERS)	January 2004	
#63	Worker's Compensation Judges Part (PERS)	November 2003	
#64	About Your Retirement Check (All Funds)	December 2003	
#65	Volunteer Emergency-Worker's Survivors Pension	October 2003	
#66	SHBP Coverage for State Part Time Employees	January 2004	
#67	Commuter Tax\$ave Program	January 2004	
Certifying Officer Letters			

#### Certifying Officer Letters

These letters can be viewed on the Division's home page at:

1 0	
www.state.nj.us/treasury/pensions/	
Report of Contributions, First Quarter 2004 (All Funds)	March 2004
Report of Contributions, First Quarter 2004 (Colleges/Universities)	March 2004
Postsecondary Vocational-Technical School Instructors	March 2004
New Contracts Awarded for the Alternate Benefit Program and	
the Additional Contributions Tax-Sheltered Program	March 2004
New State Transportation Benefit	January 2004
Adjunct Professors	December 2003
Implementation of Chapter 172, P.L. 2003 - Health Benefits	December 2003
For Part-Time Employees State Transportation Benefit	December 2003
Employer Liability - 2004 Pension Adjustments	November 2003
Member Pension Contribution Rates	November 2003
New Pension Loan Policy	November 2003
Repeal of Rule: N.J.A.C. 17:3-2.6 Ineligible Positions; Interim	November 2003

#### **New Forms** — Please update your records with these new forms and recycle the old forms:

Report of New Transfer/Multiple Enrollment Form	May 2003
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Direct Rollover/Trustee-to-Trustee Election Transfer of Funds December 2003 for the Purchase of Additional Service Credit Form

Combined Waiver/Reinstatement Election Form for

Noncontributory Group Life Insurance over \$50,000 December 2003 December 2003 Loan Application — (Non-Judiciary)

Part-Time Employees Group — New Jersey State Health

Benefits Program Application February 2004